

Customer No. 24498  
Attorney Docket No. PU030311  
Office Action Date: February 2, 2010

**Remarks/Arguments**

Claims 1 – 18 are pending.

**Rejection of claims 1 – 18 under 35 U.S.C. § 103(a) as being unpatentable over Kendall (U.S. Publication No. 2003/0202776) and further in view of Mears et al (U.S. Patent No. 6,707,508).**

Applicant submits that for at least the following reasons, claims 1-18 are patentable over Kendall and Mears, singly or in combination.

Claim 1 recites the following:

*1. A method for controlling a video signal processing apparatus, comprising the steps of:*

*selecting a first video channel from a plurality of video channels including digital video channels and analog video channels in response to user input corresponding to a channel selection command using one of a channel scan mode and a direct channel selection mode;*

*transferring a program signal received via a selected digital video channel to a storage device in response to activation of a digital recording mode;*

*selecting a new one of the plurality of digital video channels and analog video channels in response to the user input while in the digital recording mode, wherein*

*if the channel scan mode is used while in the digital recording mode, selecting a next digital video channel in the channel scan sequence and skipping any intervening analog video channels between a currently selected video channel and the next digital video channel in the channel scan sequence, and maintaining the digital recording mode. (emphasis added).*

The bold-highlighted features in claim 1, at least, are not recited in Kendall or Mears, singly or in combination.

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The Examiner contends that Mears, in col. 6 lines 57 – 59, teaches skipping any intervening analog video channels between a currently selected video channel and the next digital video channel in the scan sequence. Applicant respectfully disagrees.

The step in claim 1 recites that “*if the channel scan mode is used while in the digital recording mode, selecting a next digital video channel in the channel scan sequence and skipping any intervening analog video channels between a currently selected video channel and the next digital video channel in the channel scan sequence, and maintaining the digital recording mode*” (emphasis added).

The section cited by the Examiner at col. 6 lines 57 – 59 recites the following:

*“In another embodiment, the search may start with the highest subchannel or just start searching all digital channels and skipping the analog channel.”*

However, this section is describing the search for a channel when the user directly enters a main channel number and no subchannel number (see col. 6, lines 32 – 59). Mears then searches to see if it is an analog channel. If it cannot tune to the analog channel, then it attempts to find a digital channel corresponding to the main channel number. However, the search was initiated by a user entering in a main channel number with no subchannel number which is a direct channel entry. This is not a channel scan mode. By contrast, claim 1 recites that the skipping is performed “*if the channel scan mode is used.*” In this cited section, the user directly enters the channel which is not channel scan mode.

In addition, claim 1 recites “*skipping any intervening analog video channels between a currently selected video channel and the next digital video channel in the channel scan sequence.*” By contrast, the cited section merely states that it searches all digital channels and skips the analog channels. However, claim 1 specifically states that it searches the next digital video channel in the channel scan sequence. Since the user in Mears does not use channel scan mode, no channel scan sequence is searched. Accordingly, Mears does not describe or suggest the above-cited feature of claim 1.

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One skilled in the art would not be motivated to combine Kendall and Mears since the combination of Kendall and Mears does not produce the claimed invention. As noted above, the combination does not recite all the features of claim 1.

Furthermore, Kendall and Mears do not solve the same problem as the claimed invention and as such, one skilled in the art would not be motivated to look to Kendall and Mears. Kendall is concerned with erasing a program that was left in the storage of a personal video recorder. The system of Kendall provides the user with various ways to erase the previously stored program. Mears pertains to providing a user-friendly solution to handling the different lengths of a direct digit entry of channels for difference signal sources (col. 2, lines 21 – 25). Mears requires the user to directly input the digits corresponding to a channel. As such, one skilled in the art would not look to Kendall or Mears to solve the problem of selecting a video channel, analog or digital, using channel scan mode or a direct channel selection during a recording operation.

Accordingly, claim 1 and its dependent claims are patentably distinguishable over Kendall and Mears. The remaining independent claims, and the claims that depend on them, recite the above-referenced features and are believed to be patentably distinguishable over Kendall and Mears for the same reasons as discussed with respect to claim 1.

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### Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

It is believed that there are no additional fees due with regard to the filing of this response. However if there is an additional fee due, please charge the fee, or credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

  
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